

## UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

APR 16 2019

David J. Bradley, Clerk of Court

United States of America

v.

Heriberto LERMA

Case No. C19-1480M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 15, 2019 in the county of Kenedy in the  
Southern District of Texas, the defendant(s) violated:

Heriberto LERMA

## Code Section


8 United States Code 1324 (M)

## Offense Description

Each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on the attached sheet.



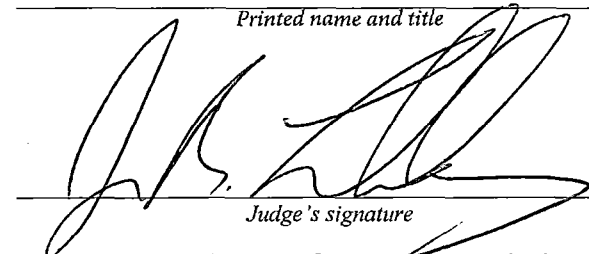
Complainant's signature

Stewart Baker

Special Agent

Printed name and title

SWORN TO AND SUBSCRIBED TO ME ON THIS 16th day of April 2019



Judge's signature

Jason Libby, U.S. Magistrate Judge

Printed name and title

City and state: Corpus Christi, TX

## **Affidavit**

On April 15, 2019, Border Patrol Agent (BPA) Allan Garcia, BPA Michael Perez and his service canine were assigned to primary immigration inspection duties at the United States Border Patrol Checkpoint south of Sarita, Texas. At approximately 0110hrs, a white tractor trailer approached the primary inspection lane for an immigration inspection. BPA Garcia questioned the driver, Heriberto LERMA about his citizenship. LERMA claimed to be a U.S. Citizen. BPA Garcia asked LERMA if he was traveling with anyone. LERMA replied, "he was traveling alone." BPA Garcia then asked LERMA what he was hauling to which he replied it was building materials. BPA Garcia asked if he had a bill of lading, LERMA then handed BPA Garcia the bill of lading. BPA Garcia then asked if he knew if the trailer had a seal, LERMA replied "yes". BPA Garcia then pointed to two numbers (U399) and (A1477820) that were located on the bill of lading and asked LERMA if one of those were the seal numbers at which LERMA indicated they should be. BPA Garcia then walked to the back of the trailer to confirm if there was a seal, and if the number matched what the bill of lading indicated. BPA Garcia confirmed there was a seal and inspected it for any signs of tampering, which none were found. BPA Garcia then checked to see if the seal number YG496567 located on the trailer door matched the seal number U399 or A1477820 on the bill of lading, and the numbers did not match. While BPA Garcia inspected the bill of lading in an attempt to match the seal numbers. BPA Perez informed BPA Garcia that his canine alerted to the trailer and that the trailer would need a secondary inspection. LERMA was directed to proceed to the secondary area for further inspection.

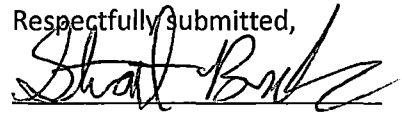
In secondary, BPAs cut the seal and opened the door to the trailer and discovered twenty-seven individuals inside the trailer. All twenty-seven individuals admitted to being illegally present in the U.S.

BPAs Garcia and Jose Cantu interviewed LERMA at the United States Border Patrol (USBP) station in Kingsville, TX. LERMA was read his Miranda Rights. LERMA signed the waiver and stated that he understood his rights and agreed to provide a statement. LERMA made statements that has been a truck driver since 2005. Currently employed by UNIMEX located in Pharr, TX. LERMA stated that he had been employed by UNIMEX for approximately a year and half. Upon contact by Lupita Valdez of UNIMEX it was discovered that all drivers are required to notify UNIMEX should a seal be broken, missing, or mismatched to the bill of lading.

BPA Richard Aucion, BPA Edwin Portillo and BPA Gicela FLORES interviewed two (2) of the smuggled illegal aliens that were inside the trailer, Orlando Antonio PORTILLO-Murcia, and Katherine Estefania AQUINO-Gutierrez. Both individuals indicated they got into the trailer the night of April 14, 2019 and were unable to exit the trailer until they were encountered at the United States Border Patrol checkpoint in Sarita, Texas. Both aliens admitted to being foreign nationals, illegally present in the US.

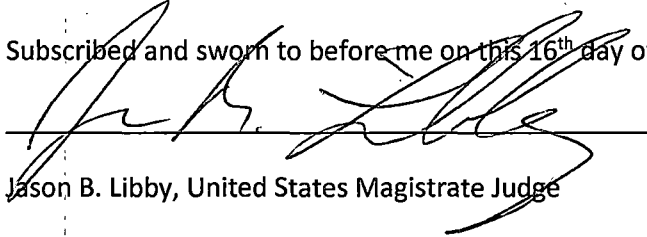
AUSA Jason Supplee was briefed on this case and accepted the case for the prosecution of LERMA for violation of title 8 USC 1324, transportation of illegal aliens.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stewart Baker", written over a horizontal line.

Special Agent Stewart Baker

Subscribed and sworn to before me on this 16<sup>th</sup> day of April 2019

A large, stylized handwritten signature in black ink, written over a horizontal line.

Jason B. Libby, United States Magistrate Judge